



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

September 30, 2008

Wayne Studyvin, Director
Jefferson County Department of Health
Environmental Health Services
P.O. Box 2648
Birmingham, Alabama 35202-2648

Dear Mr. Studyvin:

This correspondence is being sent to provide you with a final copy of the Environmental Protection Agency (EPA) Region 4 report, which was completed as a result of the EPA Title V program evaluation conducted on June 30 – August 1, 2008. The purpose of this program review was to evaluate the status and the ability of the Jefferson County Department of Health (JCDH) to carry out the duties and responsibilities required to effectively run the title V program, as well as find out how EPA can best assist the JCDH in meeting these commitments.

I would like to thank you and your staff for your cooperation throughout the evaluation. Your staff responded to the program questionnaire and provided all requested material in a timely and professional manner. In addition, I commend you on the performance your title V program. We appreciate the efforts of you and your staff to ensure that Jefferson County has effective air programs.

If you or your staff has any questions regarding the report, please do not hesitate to contact Randy Terry of the EPA Region 4 staff at (404) 562-9032.

Sincerely,

A handwritten signature in cursive script, reading "Carol H. Banister for", is written over the typed name.

Beverly H. Banister
Director
Air, Pesticides and Toxics
Management Division

Enclosure

Cc: Ron Gore, Chief, Air Div., ADEM

Jefferson County Department of Health Title V Program Review

The Jefferson County Department of Health (JCDH) initial program review was conducted on June 22-23, 2005, in Birmingham, Alabama, and is kept on file at the Environmental Protection Agency (EPA) Region 4 office in Atlanta, Georgia. Based on the information gathered from the title V program evaluations and the implementation of new title V permit requirements, EPA committed to conduct a second round of title V program reviews for all state and local programs that had at least 20 title V major sources within their jurisdiction by the end of FY 2010.

The second program evaluation of the JCDH title V program was conducted June 30 - July 1, 2008, in Birmingham, Alabama. Prior to EPA's arrival JCDH was provided with a list of seven title V sources, including four with compliance assurance monitoring (CAM) plans that EPA planned to review as part of the program evaluation. An entrance interview between EPA and key staff of JCDH was conducted, where EPA explained the details that Region 4 would be addressing during their office visit. The following parties attended the title V questionnaire discussion: Randy Terry (EPA Region 4), Katy Forney (EPA Region 4), Gracy Danois (EPA Region 4), Dave Wootton (JCDH), Walter Allen (JCDH), Corey Masuca (JCDH), and Mohammed Huda (JCDH).

Jefferson County Title V Program Review

Program Review

JCDH's organizational structure for air permitting resides at the office in Birmingham, Alabama. JCDH's title V permitting jurisdiction covers all of Jefferson County. The Alabama Department of Environmental Management (ADEM) operates the permitting agency that covers the remainder of Alabama with the exception of the city of Huntsville, Alabama. A separate program evaluation report was written covering the ADEM title V program.

EPA's review of the Jefferson County title V program focused on programmatic knowledge/implementation, resources (both human and capital), and file review.

EPA appreciates Jefferson County's efforts to aid the evaluation process by providing an answered copy of the program review questionnaire prior to the meeting. For many questionnaire items, the answers provided by JCDH are more detailed than indicated in the summary discussion below. The answered questionnaire from JCDH will be on file at EPA Region 4 for reference.

Programmatic knowledge/ Implementation

During discussions of the title V questionnaire and prior discussions, it was clear that JCDH senior staff has a thorough knowledge and understanding of title V program requirements. Facilitation of that knowledge throughout the staff is important to continue to produce high quality permits that are clear and practically enforceable. JCDH has a comprehensive training program to ensure knowledge consistency throughout their organization.

In addition to their staff training plans, JCDH has implemented a work force development/succession planning structure for all their employees to advance their career opportunities through experience, competence, coursework and licensure. As a part of their end of year performance evaluation, JCDH staff is required to complete a form indicating areas they are interested in learning more about. Management and the staff members are then required to develop a plan to ensure the staff member receives additional training in the requested area. Implementation of training plans such as this will help ensure that not only programmatic knowledge is retained but also programmatic leadership and direction.

Resources

JCDH permit engineers must divide their time between title V and non-title V permitting and are not solely dedicated to writing title V permits. JCDH currently funds one title V full time equivalent (FTE) position shared equally by two permit engineers. In order to track the time staff allocates to title V activities, JCDH requires each individual to track both title V and non-title V activities by the completion of daily activity sheets. Specific title V/non-title V activity hours are recorded and maintained within the air database. Employee time is automatically calculated and tracked by the department's payroll system. Supervisors and managers review

and make allocation adjustments as necessary to ensure that time is posted to the appropriate funds. The process is accomplished by coding of activities on individual employee timesheets and by utilizing different funding codes to differentiate between title V and non-title V activities.

JCDH has managed to maintain a relatively stable workforce within their title V program. They have accomplished this through the utilization of a tuition reimbursement program for college courses and by allowing employees to dedicate up to six working hours a week to attending college classes. At the time of the program evaluation JCDH was in the process of filling their one vacant compliance engineer position. Once a position is advertised to be filled, all applicants must submit their information to the personnel board to have their qualifications verified. The board averages about six months to develop and submit to the hiring manager a list of all the qualified engineer applicants. Once management has received the list a vacancy can be filled within two months.

JCDH assesses title V fees for each title V major source based on actual emissions for the previous calendar year. Jefferson County's fiscal year runs from October 1 to September 30. On an annual basis, each title V sources must submit either their production data or their total emissions to JCDH by February 10. JCDH then reviews the data and sends out invoices to the sources with a fee due date of May 1. Any payment received after May 30 is charged a three percent penalty as a late fee. The title V fee for FY 08 is \$33.50 per ton.

EPA also took a detailed look at JCDH budget and accounting practices for implementation of their title V program. During this review, EPA noted that the JCDH was adequately tracking all of their title V fees and using appropriate codes to separate title V expenditures from non-title V expenditures. JCDH also uses a separate account to house their title V funds, which allows for a greater level of scrutiny when evaluating title V income and expenditures. Title V expenditures are tracked through divisional codes specific to the title V program.

Renewal Permits

As of July 1, 2008, JCDH had 32 renewal applications in house ready to be processed. Of those renewal applications submitted, all were deemed timely and complete due to JCDH's decision not to review them during the 60 day initial review period. At the time of the program evaluation, four of the renewal permit applications have been in-house for longer than 18 months which constitutes a backlog and another six applications have expired initial title V permits and are near the 18 month benchmark. JCDH noted that a large part of the backlog stems from an inability to get the sources to submit additional information in a timely manner. 40 CFR part 70.7(b) allows the permitting authority to remove the application shield from a title V source if they fail to submit requested information to the permitting facility within the time frame established by the permitting authority. EPA suggests that JCDH utilize this provision to encourage the title V sources to submit the necessary information in a more expeditious manner.

For the second round of title V applications, JCDH did not revise their title V application form to address the CAM requirements. However, as they have worked on processing the applications, they have discovered that they have to spend more time contacting the sources to obtain either a completed CAM plan or the necessary information to create a CAM plan for the source. In

addition JCDH noted that they also have to dedicate extra time in processing these applications because of delayed responses by some sources in submitting the requested additional information. EPA suggests that JCDH consider revising their application form to include a section on CAM. The inclusion of a CAM section would allow sources to better identify if they are subject to CAM and need to submit a plan and further reduce the amount of additional information requests from JCDH.

Administrative Permit Reviews

EPA conducted an administrative review of seven JCDH title V permits and reviewed the CAM plans for four of those title V permits. The permit files selected included a cross section of permits across several industry sectors. Overall, JCDH's permit files contained most of the necessary components. However, about half of the permit files were missing draft and/or proposed permits. In the files that did not contain the draft/proposed permits, two of them included a note to the file in lieu of the copy of the draft/proposed permit. While this practice is acceptable, the files were not consistent in their use of this method. Additionally, two files were missing the Engineering Evaluations (statement of basis) and two files were missing the proof of publication for the public notice. One of the more recently created permit files contained a permit checklist which identified all the necessary documents that should have been contained in the file.

The permit files can be difficult to review due to the individualized method of filing by permit writers. While we understand that part of the decisions made during the permitting process will rely on the personal experience and knowledge of the permit writers, these decisions should still be documented. This will not only help bring transparency of the process to the public and EPA, but will also assist permit writers which may take over the facilities in the future. Specifically, we suggest that the permit writers start a new permit file with each permitting action, identify their engineering evaluations by date or permit number, and utilize the permit file checklist to ensure that all important documents are in each permit file.

Finally, our review of the CAM portions of the permit applications and final permits indicated that JCDH is inconsistently incorporating CAM requirements. EPA suggests that JCDH consider devising a template or developing a consistent format for incorporating CAM requirements into title V permits.

Conclusion

At the conclusion of the onsite portion of the title V program review, Region 4 personnel met with key JCDH officials to conduct an exit interview. During this exit interview Region 4 shared the findings of the review. Personnel in attendance from EPA Region 4 were Randy Terry, Katy Forney, and Gracy Danois. JCDH officials in attendance included Corey Masuca, Dave Wootton and Mohammed Huda.

Overall, EPA believes that JCDH is meeting the requirements of title V programs at a high level of proficiency and looks forward to working with the JCDH in the future.